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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/840,283

04/23/2001

Nicholas Stiliadis

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12/03/2008

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

12/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/840,283

**Applicant(s)**

STILIADIS, NICHOLAS

**Examiner**

DOMINIC D. SALTARELLI

**Art Unit**

2421

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,8-12,14,15,18,19,21,22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-12,14,15,18,19,21,22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed October 6, 2008 have been fully considered but they are not persuasive.

First, applicant argues the distribution of advertising over the Hunter network merely represents a separate use for the network, citing paragraph 0070 which shows the system can be used to send both advertisements to high traffic areas and movies to digital movies theaters, with no necessary relationship between them, and argues that an individual, when presented with the system disclosed by Hunter and the prior art, would simply implement electronic distribution of the movies in real time and continue to send the associated advertising content through the mail.

In response, it first must be noted that the only difference in the uses of the Hunter system between sending advertising material and movies is the content of the data being transmitted and the destination of the data. Structurally, there is no difference between sending advertisements and sending movies as disclosed by Hunter. Given this premises, the issue the examiner has been addressing is whether it would have been obvious to use the existing distribution system of Hunter to send both advertising material and movies to a digital theater. Hunter is clearly capable of doing so, leaving only the question of whether doing so would be obvious. It is the examiner's position, that given the fact that the state of the art has been to deliver both a movie and the advertising

materials used to promote said movie at the same time (and has been for decades, as disclosed in the article included herein, 'A History of Movie Posters'), coupled with the fact that Hunter provides the structural capability of doing exactly that in a digital communication in an advantageous manner, that it would in fact have been obvious to make the proposed modification described herein.

Further, there is also the issue of speed of delivery. Mailing materials takes longer to deliver than a digital communication, and having a movie available long before the advertising materials is counter-intuitive. Hunter discloses that thousands of movies per day are transmitted over the distribution network, ensuring that any given movie would be available on the very day it is ordered by a customer (Hunter, paragraph 0062). It is more desirable to send the advertising materials along with an ordered film, as is conventional, so that the theater can begin promoting the film once it is available, rather than having the film available before they can promote it.

Second, applicant argues the applicability of the Bernard reference, arguing that a caller receiving information from salespeople is different from the present invention where the system, on the basis of use, generates marketing data.

In response, the examiner fails to see the relevance of this argument. Bernard was introduced solely to teach providing samples of a product to

potential purchasers, and is not relied upon for teaching generating and disseminating marketing data.

Third, applicant argues, regarding claim 1, that the amended limitation of displaying advertising material in a separate time or place than the multimedia content is not taught by the prior art.

In response, the proposed modification of Hunter encompasses just such a use, as the very purpose of advertisement materials is to promote a product such that a consumer would be stimulated to purchase it, which by necessity results in displaying the advertisement at a different time or place, otherwise it could hardly be called an advertisement.

Fourth, applicant argues, regarding claim 8, that the claim recites sharing market data between exhibitors.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sharing market data between exhibitors) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim recites collecting sales information from and exhibitors and providing sales and marketing data to exhibitors. Said data could very well be from the same

exhibitor, who is simply viewing their own billing data and searching for new movies to purchase. Newly added claim 25 is the only claim which reasonably suggests that data from one exhibitor is shared with another.

Lastly, applicant argues that the Hunter reference simply does not anticipate the claimed invention.

In response, the outstanding rejection does not argue that Hunter anticipated the claimed invention. The outstanding rejection is made under 35 U.S.C. 103(a), with a showing that while the invention is not identically disclosed or described as set forth under 35 U.S.C. 102, the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made.

### ***Claim Objections***

2. Claim 10 is objected to because of the following informalities: Lines 3-4 state "said movie owner", which should be changed to --a movie owner--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 8, 9, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1, of record) in view of Applicant's own originally filed specification and Bernard et al. (5,918,213, of record) [Bernard].

Regarding claims 1 and 24, Hunter discloses a method of marketing and distributing multimedia, the method comprising:

receiving multimedia material from an owner of said multimedia material (an inherent step, as the movies being offered for sale must have first been acquired from the owners of the respective material, paragraph 0060);

storing multimedia material on a computer readable storage medium in digital format (the stored movies which a customer reviews and selects for purchase, paragraph 0060);

providing a server system accessible over a communication network, said server system accessing said digital format from said computer readable storage medium for transfer of said digital format over said communication network to potential purchasers (paragraphs 0062-0063);

downloading to said purchasers, upon request of purchasers, over said communication network, said digital format of said multimedia material from said server system, said purchasers storing downloaded digital format of said multimedia material (paragraph 0062); and

wherein said purchaser is an exhibitor exhibiting said stored digital format of said multimedia material in a public theater to a number of individuals in exchange for a paid admission (paragraph 0059).

Hunter fails to disclose receiving associated advertising material from a producer or owner of said multimedia that is linked to said multimedia material, providing samples of said digital format from said server system over said communication network to potential purchasers, providing in digital format said advertising material that is linked to said multimedia material to said purchasers from said server system over said communication network and storing said advertising material, allowing purchasers to locally market and sell said multimedia material by showing said advertising material to the public at a time or place different from that of said multimedia material.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material linked to said multimedia material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive advertising material from said owners and send the advertising material in digital format to purchasers to allow the purchasers to locally market and sell said multimedia material, as the cost reducing benefits of

all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia and providing in digital format said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Hunter still fails to disclose providing samples of said digital format from said server system over said communication network to potential purchasers.

In an analogous art, Bernard teaches providing samples of multimedia content to potential purchasers (col. 3, lines 19-41) to provide assistance in choosing which material to purchase.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include providing samples of multimedia content to potential purchasers, as taught by Bernard, for the benefit of providing helpful assistance to the purchaser in choosing which material to purchase.

Regarding claim 5, Hunter and Bernard disclose the method of claim 1, including providing a server system accessible over a public communication system (Hunter teaches accessing the server over the Internet, paragraph 0063).

Regarding claims 8 and 9, Hunter and Bernard disclose the method of claim 1, including automatically collecting sales information for exhibitor recipients of said multimedia material and providing sales and marketing data to exhibitors based upon information from said exhibitors (Hunter teaches a billing system that tracks orders from purchasers, paragraph 0063).

Regarding claim 26, Hunter and Bernard disclose the method of claim 1, further comprising providing a search function for said multimedia material and said associated advertising material (Hunter, paragraph 0060).

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Applicant's own originally filed specification, and Bernard, as applied to claim 1 above, and further in view of Siefert (5,564,043, of record).

Regarding claims 3 and 4, Hunter and Bernard disclose the method of claim 1, but fail to disclose the receiving multimedia material includes receiving non-digital media including celluloid media and printed media.

In an analogous art, Siefert discloses receiving and digitizing celluloid media and printed media in order to provide it over a communications network (col. 5, lines 14-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter and Bernard to include receiving non-digital media including celluloid media and printed media, as taught by Siefert, ensuring that all material is provided in digital format for transmission, regardless of the original source media.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of Applicant's own originally filed specification and Siefert.

Regarding claim 10, Hunter discloses a method of distributing movies comprising:

receiving a movie from a movie owner (an inherent step, as the movies being offered for sale must have first been acquired from the owners of the respective material, paragraph 0060);

storing said movie in digital format in a computer readable memory (the movie content is digital, paragraph 0062);

inputting licensing information about said movie (for billing purposes, paragraph 0063);

transferring said digital formats to a theater via a communications network and storing said digital formats on a computer readable memory located at said theater (paragraph 0062); and

projecting said moving in said digital format using a digital projector onto a screen for display to an audience (paragraph 0059).

Hunter fails to disclose the movie is received on celluloid and also receiving advertising material that is linked to said movie.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material linked to said multimedia material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive advertising material from said owners and send the advertising material in digital format to purchasers to allow the purchasers to locally market and sell said multimedia material, as the cost reducing benefits of all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia and providing in digital format said advertising material to said purchasers from said server system over

said communication network allowing purchasers to locally market and sell said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Hunter still fails to disclose the movie is received on celluloid.

In an analogous art, Siefert discloses receiving and digitizing celluloid media and printed media in order to provide it over a communications network (col. 5, lines 14-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving celluloid media, as taught by Siefert, the conventional means for distributing movies, ensuring that all material is provided in digital format for transmission, regardless of the original source media.

7. Claims 11, 12, 15, 16, 18, 19, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of Applicant's own originally filed specification.

Regarding claims 11 and 23, Hunter discloses a distribution system for distributing multimedia comprising:

a first central processing unit (which controls the system from which customers purchase movies, paragraph 0060);

a first memory associated with said first central processing unit (which stores the movies available to purchase, paragraph 0060);

a communications network accessible by said first central processing unit for transferring data into and out of said first memory (the network by which movies are received and delivered, paragraph 0062);

an input device connected for data transfer to said first central processing unit, said input device receiving multimedia material and transferring said materials into said first memory in a digital format via said central processing unit (an inherent step, as the movies available for purchase must first have been received from the producers of said content);

a second central processing unit (the customer's system, paragraph 0061);

a second memory, said second memory associated with said second central processing unit, said communications network being accessible by said second central processing unit for transferring said digital format into and out of said second memory (the memory in which a movie is stored after it is ordered and transmitted from the provider's system, paragraph 0061);

a third memory domain for receiving market data in response to an order for said multimedia product (the memory domain which stores the purchase order and scheduling information necessary for transmitting a movie to a customer after the customer purchases the movie, paragraph 0060-0061);

a digital feature film projector in data communication with said second central processing unit for displaying said digital format as a feature film onto a screen for presentation to an audience, said feature film being stored in said

digital format in said second memory after being transferred via said communications network from said first memory (paragraph 0059).

Hunter fails to disclose also receiving associated advertising material in memory for displaying at a time and place different than the multimedia material.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material linked to said multimedia material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive advertising material from said owners and send the advertising material in digital format to purchasers to allow the purchasers to locally market and sell said multimedia material, as the cost reducing benefits of all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia and providing in digital format said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Regarding claim 12, Hunter discloses a method of marketing and distributing multimedia, the method comprising:

receiving multimedia material from an owner of said multimedia material (an inherent step, as the movies being offered for sale must have first been acquired from the owners of the respective material, paragraph 0060);

storing multimedia material on a computer readable storage medium in digital format (the stored movies which a customer reviews and selects for purchase, paragraph 0060);

providing a server system accessible over a communication network, said owner being linked with the server system (as it is their product which is being sold, paragraph 0063), said server system accessing said digital format from said computer readable storage medium for transfer of said digital format over said communication network (paragraphs 0062-0063);

establishing an account (by which customers are billed, paragraph 0063) for a broadcast or live theater exhibitor (paragraph 0059);

downloading, upon request of purchasers, over said communication network, said digital format of said multimedia material from said server system (paragraph 0062);

communicating with said exhibitor to determine information necessary to calculate an amount owed by said exhibitor for said multimedia material and charging the account of said exhibitor with the amount owned (paragraph 0063).

Hunter fails to disclose receiving content associated advertising material from a producer or owner of said multimedia that is linked to said multimedia material and providing in digital format said advertising material that is linked to said multimedia material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material linked to said multimedia material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive advertising material from said owners and send the advertising material in digital format to purchasers to allow the purchasers to locally market and sell said multimedia material, as the cost reducing benefits of all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia and providing in digital format said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said

multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Regarding claims 15 and 16, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 12, but fails to disclose said communicating is implemented by either sending an e-mail to said exhibitor or by consulting publicly reported data respecting said exhibitor.

However, it would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include said follow up is implemented by either sending an e-mail to said exhibitor or by consulting publicly reported data respecting said exhibitor.

Regarding claim 18, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 12, including querying said exhibitor to stimulate the sending of data from said exhibitor and recording said data into a database (Hunter teaches a user interface through which customers make selections and schedule purchases, paragraph 0060, the data received from said customers being the scheduling and purchasing information received through the user interface and stored in order to track and fill the order, paragraph 0061).

Regarding claim 19, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 18, including providing marketing

data recorded in said database to customers in response to a query from an exhibitor (who is an actual user of said server system, see Hunter, paragraph 0060, where customers have tool that allows them to see listings of all movies available in response to a search query, which is a marketing tool).

Regarding claim 25, Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 12, but fails to disclose said information comprises office information and further comprising transmitting box office information to other exhibitors and potential exhibitors.

Examiner takes official notice that the reporting of ticket sales for individual movies to inform interested parties as to the popularity of said movies is notoriously well known in the art.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Hunter to include said information comprises office information and further comprising transmitting box office information to other exhibitors and potential exhibitors, for the benefit of informing said interested parties as to the popularity of available films so that they may maximize their own profitability by ordering the most popular movies.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter and Applicant's own originally filed specification, as applied to claim 12 above, and further in view of Siefert.

Regarding claim 14 Hunter (in view of Applicant's own originally filed specification) discloses the method of claim 12, but fails to disclose the receiving of multimedia material includes receiving non-digital media including celluloid media and printed media.

In an analogous art, Siefert discloses receiving and digitizing celluloid media and printed media in order to provide it over a communications network (col. 5, lines 14-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving non-digital media including celluloid media and printed media, as taught by Siefert, ensuring that all material is provided in digital format for transmission, regardless of the original source media.

9. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Applicant's own originally filed specification, Bernard, and Sprogis.

Regarding claim 21, Hunter discloses a method of marketing and distributing multimedia, the method comprising:

receiving a motion picture from an owner of said multimedia material (an inherent step, as the movies being offered for sale must have first been acquired from the owners of the respective material, paragraph 0060);

storing said motion picture on a computer readable storage medium in digital format (the stored movies which a customer reviews and selects for purchase, paragraph 0060);

providing a server system accessible over a communication network, said owner being linked with the server system (as it is their product which is being sold, paragraph 0063), said server system accessing said digital format from said computer readable storage medium for transfer of said digital format over said communication network (paragraphs 0062-0063);

downloading, upon request of exhibitors, over said communication network, said digital format of said motion picture from said server system (paragraph 0062); and

storing said downloaded motion picture and displaying said motion picture at a particular time and place (paragraph 0062).

Hunter fails to disclose receiving associated advertising material from a producer or owner of said multimedia, providing samples of said digital format from said server system over said communication network to potential purchasers, querying said customer to stimulate the sending of ticket sales data from said customer, recording said data into a database, and reporting recorded data to other exhibitors.

Applicant's own originally filed specification states that it is conventional for owners of multimedia material to provide advertising material to purchasers to locally market and sell said multimedia material (page 12, lines 5-17). Because

Hunter also teaches digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material (paragraph 0070), a practitioner of ordinary skill in the art would be motivated to receive this advertising material from said owners as well, as the cost reducing benefits of all digital domain transmissions taught by Hunter (paragraph 0008-0009) would be then equally applied to both the advertising material and multimedia material.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include receiving associated advertising material from an owner of said multimedia material, for the benefit of reducing the costs normally associated with the distribution and promotion of said multimedia material.

Hunter still fails to disclose providing samples of said digital format from said server system over said communication network to potential purchasers and querying said customer to stimulate the sending of ticket sales data from said customer, recording said data into a database, and reporting recorded data to other exhibitors.

In an analogous art, Bernard teaches providing samples of multimedia content to potential purchasers (col. 3, lines 19-41) to provide assistance in choosing which material to purchase.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Hunter to include providing samples of multimedia content to potential purchasers, as taught by Bernard, for the benefit

of providing helpful assistance to the purchaser in choosing which material to purchase.

Hunter and Bernard fail to disclose querying said customer to stimulate the sending of ticket sales data from said customer, recording said data into a database, and reporting recorded data to other exhibitors.

In an analogous art, Sprogis discloses receiving and logging tickets sales information from theaters for billing and market research purposes (paragraph 29).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Hunter and Bernard to include querying said customer to stimulate the sending of ticket sales data from said customer and recording said data into a database, as taught by Sprogis, for the benefit of collecting detailed information for billing and market research purposes, such as royalty payments and calculating the success of various films. Exhibitors access this recorded data when viewing their billing information for payment (Hunter, paragraph 0063).

Regarding claim 22, Hunter, Bernard, and Sprogis disclose the method of claim 21, including providing marketing data recorded in said database to exhibitors in response to a query from an exhibitor (allowing advertisers to segment their markets, Sprogis, paragraph 0032).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bruce Hershenson, "A History of Movie Posters", 1998 [<http://www.reelclassics.com/Articles/General/posters-article.htm>].

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dominic D Saltarelli/  
Examiner, Art Unit 2421